

DETAILS

Japan - Central Authority & practical information

Central Authority(ies):

Ministry of Foreign Affairs

Contact details:	
Address:	Ministry of Foreign Affairs 2-2-1 Kasumigaseki Chiyoda-ku TOKYO 100-8919 Japan
Telephone:	+81 3 5501 8152
Fax:	+81 3 5501 8148
E-mail:	-
General website:	http://www.mofa.go.jp/
Contact point:	Consular Policy Division
Languages spoken by staff:	Japanese (by telephone) Japanese and English (by fax)

Practical Information:

(The following information was provided by the relevant State authorities or was obtained from the replies to the 2003 and/or 2008 Service Convention Questionnaires)

Forwarding authorities (Art. 3(1)):	the judges
-------------------------------------	------------

Methods of service (Art. 5(1)(2)):	<p><i>Formal Service</i> (Art. 5 (1)(a)) The Minister for Foreign Affairs refers the document to the competent court of justice. Service is then effected either by post (special postal service, Article 49 of the Mail Act; a report of service is drawn up by the postman) or through a marshal.</p> <p><i>Informal delivery</i> (Art. 5(2)) The Minister for Foreign Affairs refers the documents sent to it to the competent court clerk. The court clerk informs the addressee of the documents to be served and the addressee then either presents himself / herself to the court or requests that they be forwarded to him / her. In the latter case special postal service will be effected (Article 49 of the Mail Act; the postman will draw up a report of the delivery). When the person to be served refuses to accept the documents, or fails to appear or to apply for forwarding the documents to him / her within three weeks of the date on which he/she was informed, the documents will be returned to the applicant.</p> <p><i>Service by a particular method</i> (Art. 5(1)(b)) When it is so requested, a marshal will effect service by delivering the document directly to the person after ascertaining that he / she is the addressee.</p>
Translation requirements (Art. 5(3)):	<p>Full translation is required for any document to be served under Article 5(1)(a)(b). We serve the translation to the addressee together with the original.</p> <p>Japan has not concluded any agreements under Article 20(b).</p>
Costs relating to execution of the request for service (Art. 12):	<p>In principle, the applicant incurs no charges because the National Treasury bears costs of service. However, in the case of service by a marshal, a fee is charged and should be reimbursed. To that end, the court which effected the service sends a bill of the costs to be reimbursed to the applicant together with the certificate referred to in Article 6.</p> <p>When executed by a marshal, the amount to be paid for the performance of service is 1,800 yen (service in working hours on weekdays) or 4,200 yen (service in night times, weekends or holidays) plus the marshal's travel expenses, which is 37 yen per kilometer from the competent district court to which he / she belongs.</p>
Time for execution of request:	About four months
Oppositions and declarations (Art. 21(2)):	Click here to read all the declarations made by Japan under the Service Convention.
Art. 8(2):	No opposition

Art. 10(a):	<p>No opposition</p> <p><i>"Japan has not declared that it objects to the sending of judicial documents, by postal channels, directly to addressees in Japan. As the representative of Japan made clear at the Special Commission of April 1989 on the practical operation of the Service and Evidence Conventions, Japan does not consider that the use of postal channels for sending judicial documents to persons in Japan constitutes an infringement of its sovereign power."</i></p> <p><i>"Nevertheless, as the representative also indicated, the absence of a formal objection does not imply that the sending of judicial documents by postal channels to addressees in Japan is always considered valid service in Japan. In fact, sending documents by such a method would not be deemed valid service in Japan in circumstances where the rights of the addressee were not respected."</i></p> <p>(See Conclusion and Recommendation No 57 of the 2003 Special Commission.)</p>
Art. 10(b):	Opposition
Art. 10(c):	Opposition
Art. 15(2):	Declaration of applicability
Art. 16(3):	No declaration of applicability
<p>Derogatory channels (bilateral or multilateral agreements or internal law permitting other transmission channels) (Arts. 11, 19, 24 and 25)</p> <p>Disclaimer: <i>Information may not be complete or fully updated – please contact the relevant authorities to verify this information.</i></p>	<p>Consular Convention between Japan and the United States of America</p> <p>Consular Convention between Japan and the United Kingdom of Great Britain and Northern Ireland</p> <p>Agreements or arrangements concerning judicial assistance between Japan and; Swiss Confederation, Kingdom of Denmark, Republic of Italy, Democratic Socialist Republic of Sri Lanka, Federative Republic of Brazil, Kingdom of Thailand, Federal Republic of Germany, United Kingdom of Great Britain and Northern Ireland, Syrian Arab Republic, Kingdom of Norway, Australia, Islamic Republic of Iran, Republic of Austria, State of Kuwait, Republic of Iraq, State of Israel</p>
Useful links:	

(This page was last updated on 15 May 2009)

Conventions (incl. Protocols and Principles)

- Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters [14]